

Planning, Streets and Traffic Committee
April 22, 2019
City Service Center – 915 Quarrier Street Conference Room

Members Present

Mary Beth Hoover
Naomi Bays
Becky Ceperley
Will Laird
Jennifer Pharr
Chad Robinson

Members Absent

Adam Knauff

Staff Present

Scott Ferry
Matt Hartline
Dan Vriendt
Matt Sutton

Call to Order: Mary Beth Hoover

MS. HOOVER: We have some people here in the audience. I'd like everyone to go around and introduce yourself.

MR. POZEGA: John Pozega.

MR. SAVILLE: John Saville, I'm with John Pozega.

MS. MEISNER: I'm Johanna Meisner. I was interested in learning more about the crosswalks.

MR. JENKINS: Joseph Jenkins, Councilman from Ward 12. I'm here for Bill 7810.

MS. STEELE: Keeley Steele, Councilwoman for Ward 10 and I'm here about Bill 7806.

MR. MARGOLIS: Aric Margolis. I'm here for Bill 7804.

Continued from the March 25th

Bill No. 7806 - A Bill to establish a No Parking Tow-Away zone on the east side of East Ave from a point 140 feet to a point 160 feet north from Kanawha Blvd and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

MS. HOOVER: This was a bill that we talked about and discussed at the last meeting. I asked Councilwoman Keeley Steele to be here since this is in her ward and this is something she was working on.

MS. STEELE: There is one resident on East Avenue. There is another resident there, but their door opens onto Washington Street. I had a phone call and Matt Hartline had a phone call concerning the parking situation since there's a new restaurant/bar that opened up there. It was a restaurant/bar there previously for about a year, closed down for a while and was bought and reopened. Generally, that's the crux of the problem. There's an elderly woman that lives there and she is having trouble backing out of her driveway when someone parks directly across the street from her. When this initially came to the Committee I had done a quick drive by and Matt had looked at overhead maps and said that her complaint seemed valid, so that's why it came through to the Committee. Since it was tabled, I went back and had a much better look at it. One of her requests was for a no parking sign next to her driveway. There's a sign there. I don't think we have established whether the City put that up or they put it up themselves, but it's there. Do you know?

MR. HARTLINE: The City put that up.

MS. STEELE: The parking spot that she is referring to is where that car is literally parked. (Indicating.) You can see there is a yellow line directly across from her driveway. That red car must belong to someone that either lived in that house or someone that lives in the other house because it is parked there a good portion of the day and I've been by there several times now. I think there is a congested parking situation during lunchtime and during happy hour, if you will, but I don't see any reason to put no parking in that one space at this point. There are probably several places around the East End that could use some new paint on the curbs and on either sides of driveways and hers is clearly one of them. I think if that were brighter yellow

that would probably solve most of her problems. I think there is basically a no parking zone directly across from her driveway. Designating it as a no parking zone seems kind of redundant.
MR. ROBINSON: You talked to the business owner?

MS. STEELE: I spoke to her. She's aware of the problem. She also said she has personally talked to the woman and has been polite and checks the parking every once in a while. If she knows somebody has parked close to the right of way, she requests that they move back. It seems like the business owner is trying to establish a friendship with the woman back there. As a neighborhood, it doesn't seem to be an issue. I think that building was empty for so many years. It was a convenient store for a long time and it closed down and nothing happened there for years and years. I think we're dealing with neighbors that aren't used to that kind of traffic and parking. I think the City has done what the City needs to do and with some brighter painting the yellow no parking zone is fine. That's my opinion

MS. HOOVER: Does anybody else have any questions?

MS. STEELE: I would like to withdraw the Bill.

Keeley Steele withdrew Bill No. 7806.

Bill No. 7809 - A Bill to establish a Stop intersection on Grove Avenue at Costello Street by placing a stop sign on the corner of Grove Avenue and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

MS. HOOVER: Matt, do you want to speak on this a little bit?

MR. HARTLINE: This was requested by Jeanine Faegre. (Indicating.) As you come up Grove Avenue, this is actually sloped and when you come up here it's really hard to see left and right. The people at the stop sign here, they tend to flow out and not realize there's traffic coming both ways. They have requested a stop sign be placed here so that people are more aware of where the stop is.

Motion and Vote: On motion of Chad Robinson, seconded by Becky Ceperley, the Committee voted 5 to 0 to recommend approval of Bill 7809.

Bill No. 7810 - A Bill to establish an All-Way Stop intersection at the intersection of Maefair Drive and Wilkie Drive and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

MS. HOOVER: I do know this is why Councilman Jenkins is here; this is in their neighborhood and there has been a few accidents.

MR. JENKINS: I had talked to several folks in the neighborhood and they recommended that there be an all-way stop there. I introduced the Bill prior to an accident occurring about 10 days ago. (Indicating.) If you're coming from the right on the screen and then you're turning left,

that's Wilkie going left or right. If you're coming up on the right side there and you want to turn left onto Maefair you can't see the oncoming traffic on Wilkie. It just comes to a point there at Maefair. I'm creeping up to turn left looking over my hood to make sure no one is coming, and I use this a lot. This is one of the thoroughfares, if you will, outside of getting out of Fort Hill. I hadn't heard any complaints about this aside from "oh, it's another all-way stop for people to run." I think it will help people to caution them to slow down to look before the turn left there.

MS. HOOVER: Does anybody have any questions? Do you have anything to add, Matt?

MR. HARTLINE: It is warranted. (Indicating.) This is coming up the hill. As you come to that peak you can't see. When you're coming off of Maefair onto Wilkie this traffic right here, you can't see it very well either. It's definitely a valid reason for an all-way stop.

Motion and Vote: On motion of Chad Robinson, seconded by Becky Ceperley, the Committee voted 5 to 0 to recommend approval of Bill No. 7810.

Bill No. 7804 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-6 district to an R-10 district, those certain six lots land situate at 1420 Lewis Street, 1426 Lewis Street, 601 Ruffner Avenue, 603 Ruffner Avenue and 605 Ruffner Avenue, Charleston, West Virginia.

MS. HOOVER: Dan, would you like to do staff notes?

MR. VRIENDT: This property is currently zoned R-6 Medium Density Residential District. There are six vacant parcels. (Indicating.) This is the Roosevelt Community Center. This is catty-corner from it. This is an older map; these houses are actually gone now. It would be these parcels right here. There is higher density multi-family uses in the area, so this request would be rezoning to R-10 which would be of similar compatibility to the scale of other apartment buildings in the area.

We received two letters of opposition; they're in the packet. Planning Commission unanimously recommended approval. The first letter by Sean Snyder is in your packet. Chris Sadd is the developer on this project and Aric Margolis is the architect. They're both with us tonight. They've gotten funding through the West Virginia Housing Development Fund to do low income tax credits. They want to do 10 units in three buildings. He was opposing this that it would change the character of the neighborhood leading to additional residents, traffic, safety and crime issues. Alleging low income housing would "negatively impact our neighborhood."

The second letter is by Michelle Johnson. She opposed it for a variety of reasons. She felt this was one of the few empty lots left in the East End that would now be occupied by low income housing which is meant for diversification and that the East End already has enough diversification. She would rather it be located in South Hills. She felt there was not enough parking to accommodate the low income housing. They are providing one parking space per unit. We have always felt that that's a good number especially for low income housing in a walkable neighborhood like this. She also alleges that low income housing could lead to more crime, excessive parking tickets and devaluating your home.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

- The rezoning is consistent with the future land use map which designates this property as “Core Neighborhood”.
- Rezoning to R-10 allows for continued beneficial use in pursuit of the comprehensive plan’s “Core Neighborhood” goal by allowing for higher density multifamily residential housing in a historic core neighborhood.

MS. HOOVER: Does the Committee have any question? We do have the developer and the architect here. I do know that we have Ms. Johnson here also. I’d like to field questions from the Committee first if anybody has specific things they’d like answered.

MS. BAYS: Can you clarify the income level on low housing, like what the range might be?

CHRIS SADD: A family of four would earn currently up to about \$34,500 per year of income. Those numbers equate to one person making \$13.50-\$14.00 an hour. Maybe they work at the Statehouse entry level. A family of two might go down to \$28-something.

MS. BAYS: How many rooms per unit?

MR. SADD: Mostly two bedrooms. Two and three bedroom units. There are 10 off street parking spaces. There would be 32 percent green space on the property.

MR. VRIENDT: I would add one thing. We’ve not had a lot of rezonings with this new Committee in that rezonings are a land use decision. While they have shown us what they are proposing to do, we shouldn’t look too closely at the proposal because it is merely a land use decision. We’re just seeing if it’s appropriate for this to be zoned higher density residential. Once it’s rezoned, he doesn’t have to do what he is proposing to do. This is just what he’s proposing to do right now. I’m not saying that there’s going to be a bait and switch. This really about if it is appropriate to be zoned higher density residential consistent with other land uses. Really, the question of low income housing and how much people make is really not germane to the conversation.

MR. HOOVER: Ms. Johnson? She’s a neighbor.

MS. JOHNSON: There are several issues that I would like to dispute. First of all, Mr. Sadd characterized all of these homes on Ruffner and Lewis Street as single-family homes. They are not. These are apartments. (Indicating.) Right beside here, all these are apartments. Lots and lots of traffic and parking here. There are seven apartments here, some with four units in each apartment in each home. I don’t know if these are grandfathered in or they just took a house and cut it up or what. The parking is already bad. This is going to be a disaster because of all the police, the traffic from the Roosevelt Center, move your car twice a week or you get a \$25 ticket. I’ve heard it’s supposed to go up to \$50. The police do nothing. People are breaking into homes and they just tell them to move on. The alley way between my house, there’s constantly traffic up and down that alley way. I can see people breaking into houses behind my house and nothing is being done about it, not one thing. There’s all kinds of space down there by the railroad track, there’s empty buildings, there are vacant buildings and there’s a lot of problems.

MR. ROBINSON: Ms. Johnson, where do you live?

MS. JOHNSON: I live on 1527 Lewis Street. (Indicating.) There’s a little community right here. There are doctors, lawyers, nurses. I actually wanted to practice out of my house, but I was told no you can’t do that because there’s not enough parking. I was told I couldn’t do that.

Now, they're going to take that and put one parking space for each unit. They could have four cars. It's bad enough as it is. I don't know where people are going to park; it's going to be a nightmare.

MS. HOOVER: Thank you, Ms. Johnson, we appreciate your comments.

Motion and Vote: On motion of Chad Robinson, seconded by Becky Ceperley, the Committee voted 5-0 to recommend approval of Bill No. 7804.

Bill No. 7808 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, enacted the 1st day of January 2006, as amended, and the map made a part thereof, by rezoning from an R-8 district to an I-2 district, South Annex District, Map 71, Part-of-Parcel 4, Chesterfield Avenue, Charleston, West Virginia.

MS. HOOVER: Dan, would you like to give staff notes?

MR. VRIENDT: (Indicating.) If you're familiar with Chesterfield Avenue behind the mall there is some rural property that abuts the interstate. It comes out on MacCorkle Avenue right under the bridge. This parcel is right here. It's not real suited for residential. It's better suited for a low traffic generating use because Chesterfield Avenue is a very narrow road that winds and turns. We have been working with the property owner for a couple of years trying to find a use that would be more compatible with a low traffic generating use. They are proposing to rezone. Some of this is R-6 and some of it is R-8. They would like to rezone it to I-2 to allow for an indoor self-storage facility. This is consistent with the comprehensive plan's future land use map, which designates the property as core neighborhood commercial.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reason:

The rezoning is consistent with the future land use map despite being designated as "Rural Neighborhood". The property is largely isolated from the rural neighborhood areas $\frac{3}{4}$ of a mile away on Chesterfield Avenue. The property shares characteristics with the adjacent "Regional Commercial" land use area along MacCorkle Avenue.

There was no opposition at the public hearing and the Commission unanimously recommended approval of the request. The petitioner is here, and he may have a rendering if you want to see what it may look like.

MR. SAVILLE: (Indicating.) As you can see, the map is 25 total acres, but this is the four and a half acres we want to do right here. When you come across the tracks on Chesterfield you would actually enter in where the road is still wide enough. Once you're in, there's the office and there's some storage for inside storage for RVs or whatever from a few of our current clients. Low profile storage units here. Fence, landscaping. I don't know how much grass we'll have; it depends on how much room we have.

MS. HOOVER: Does anybody have any questions for them?

MS. CEPERLEY: How much are we changing the zoning designation? All of that strip down through there?

MR. VRIENDT: It's not the whole thing. (Indicating.) It's just this strip here, which will be roughly this much property. The lot goes clear up the hill but we're having him parcel off the bottom flat land.

MS. CEPERLEY: By changing the designation we're not opening ourselves up to some other kind of development in that area that maybe would not be beneficial

MR. VRIENDT: It would be going to I-2. We've not had a lot of new industry come into the City.

MS. HOOVER: Does anyone from the Committee have any questions?

MR. LAIRD: Just a quick comment. If there is any chance – and I don't know who owns this right of way. Where you do turn out onto MacCorkle is very difficult to see the traffic. If that turn could be moved just a little bit further down MacCorkle.

MR. ROBINSON: My guess is most of that is owned by the State.

Motion and Vote: On motion of Becky Ceperley, seconded by Chad Robinson, the Committee voted 5 to 0 to recommend approval of Bill No. 7808.

Bill No. 7802 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by adding the definition of Retail Sales Establishment, amending the Land Use Table, and creating the Corridor Village District zoning classification; and adding the Corridor Village District to the sign regulations.

MS. HOOVER: Dan?

MR. VRIENDT: We have Urban Renewal plans. A long time ago those Urban Renewal plans asserted zoning control over their areas. That was their interpretation that they thought they could be the zoning entity within the Urban Renewal areas. CURA, it's still in the plan, but they don't enforce the zoning. They let the Zoning Department enforce the zoning. We have the West Side Community Renewal Plan that's going through a major update right now. We're proposing to take the zoning regulations out of the West Side Community Renewal Plan and put it back in the Zoning Ordinance where it belongs. It's really confusing to the developer. They go to look for the zoning information in the Zoning Ordinance and they find, no, you have to look in CURA's Urban Renewal Plan. There's a bunch of reasons why this just makes sense. We're not doing anything new other than we're moving the zoning classification, the Corridor Village District that's in that Urban Renewal Plan and then putting it into the Zoning Ordinance. There is a little bit of massaging of things because they had a list of permitted uses that didn't really align with the Zoning Ordinance's official list of permitted uses, but we tried to keep the intent the same as much as possible to make that logical conversion into the Zoning Ordinance. The Bill's in your packet. A lot of it deals with the land use table, what's going to be permitted in the Corridor Village District.

(Indicating.) The Corridor Village District is this area right here. That's the railroad tracks on West Washington Street all the way down to Route 21. It's mostly the properties on the other side of that. Nothing is changing on the map; it's just removing the text out of the Urban Renewal Plan and putting it into the Zoning Ordinance. This is also paving the way; the East End Plan has the same Corridor Village District in it. This would allow the City to take back control of zoning where it belongs.

MR. ROBINSON: The only question I have is the signage. It doesn't change anything with the signage?

MR. VRIENDT: We tried to keep it as much as possible and massaging it into our sign table. In the UCD District you could have 24 square feet; we decided to make the CVD and UCD the same, so we increased it to 32 square feet. This is really a pedestrian walkable zoning district.

MS. BAYS: I see here that you have books and stationary establishments striped out.

MR. VRIENDT: There are like these boutique businesses and it's all retail. In here we created a retail category. We're taking out things like stationary. It's all retail. We're just trying to simplify things.

Motion and Vote: On motion of Becky Ceperley, seconded by Chad Robinson, the Committee voted 5 to 0 to recommend approval of Bill No. 7802.

Bill No. 7807 - Amending the Zoning Ordinance of the City of Charleston, West Virginia, adopted January 1, 2006, as amended, by clarifying notification requirements for petitions related to land use in the City of Charleston and eliminating a development standard related to parking in the C-8 Village Commercial District.

MS. HOOVER: Dan?

MR. VRIENDT: When we have these public meetings, Municipal Planning Commission or BZA, State Code says we have to do a Class 1 legal advertisement and then we have to notify property owners. It doesn't say we have to do it by certified mail. We've always gone above and beyond what State Code does. A lot of people don't like certified mail. It comes when they're not home and then they have to make a special trip to the post office and get the mail. They're like, it's on a variance I don't even care about. It's expensive, cost several dollars to send something certified. What we're proposing to do is take the certified mail out of the Zoning Ordinance and do it by regular mail.

We get the Assessor's Office mapping in tabular data. We would like to use that as the data that develops the notification list. If we have the Code say we can use the Assessor's Office's tabular data, then we don't – sometimes properties sell before that data is updated and we have no way of getting that data. This is streamlining the process, making it cheaper and also covering ourselves a little bit saying we're using the data that's given to us by the Assessor's Office. We used to require the petitioners to give us the name of property owners in the 250-foot or 100-foot radius around the property. We have our GIS system now. It's cumbersome asking a lay person to get all these names. A lot of times it's not correct; they have no way of knowing who is within a 250-foot radius. We just click on the parcel now and it generates it automatically. We're taking on that responsibility now. We feel it's easier for us; we feel it's more accurate. We just don't want to get stuck with where a property has sold and someone's holding us to that. We have no way of knowing that information. That's part of it.

That's for rezonings, conditional uses, variances. There's one last part of this that, in the C-8 district, there's a performance standard where we're requiring 80 percent of parking be required behind the front building line. We have so many unique lots where the C-8 zoning district is at that we get a lot of requests for variances to this requirement. The intent was to

try to get the building to be brought up to the sidewalk and have all the parking behind, but in reality, that doesn't play out really well. We're always asked for exceptions to that. That's something that the Board of Zoning Appeals has consistently granted so we feel it's better to go ahead and make that allowable by right.

We're recommending approval on all these changes.

MS. HOOVER: Anybody have any questions?

MS. PHARR: Do you know how much you spent last year with certified mail?

MR. VRIENDT: I don't. I could run those numbers; it wouldn't be hard. It's not a huge expense, but it's more of the inconvenience.

MS. PHARR: I just know where I live, I'm get my neighbor's mail a lot. I'm always knocking on his door and we're swapping mail. So, that's the only concern that I have is whether it actually gets into the right hands that it's supposed to.

MR. LAIRD: I echo that concern, too. I'm not saying I'm opposed to this necessarily, but if there's a way to mark the mail as being extra important. A couple years ago we had a rezoning, a variation sought for the lot right across the street from my neighbor's house which turned out to be a really big deal for all of us. The certified letter for some reason went to the previous owner of their house from two years prior after they had purchased it. It went to the prior owner who, I guess, since it came certified, he was like maybe this is important and actually opened it and got in touch with them about it. Had it just come looking like junk mail, that message might not have gotten to them.

MR. VRIENDT: When it does go out it will have the City envelop and City letterhead on it. Also, like in the case like yours at that time the information was coming out of the SpecPrint books which were years out of date. Now, we're getting the data directly from the Assessor's Office. We're trying to get that information updated more frequently. We're hoping that we can cut down on it going to previous owners and having the most up to date data available.

Motion and Vote: On motion of Chad Robinson, seconded by Naomi Bays, the Committee voted 5 to 0 to recommend approval of Bill No. 7807.

Bill No. 7814 - A Bill closing, abandoning and discontinuing as a public street a portion of the Jefferson Street located at the end of Jefferson Street at the State Capitol Complex, and transferring ownership to the State of West Virginia Department of Administration.

MS. HOOVER: We don't really have any staff notes. This was something I got a call about from our lawyer's office in talking about the street that's right over there by the Capitol. When you look at this, this kind of makes sense that this street here would become State property.

MR. VRIENDT: (Indicating.) This is Jefferson right here and they are proposing to close everything from Washington – not closing but giving this to the State from Washington Street up to the railroad tracks. The State owns all the land on both sides of this. Normally, if we close a right of way, we get an appraisal and a survey, and we sell it for fair and adequate consideration, but public entities can transfer property to other public entities for free. We don't have to do it for fair and adequate consideration since it's remaining in the public trust. With them owing all the property on either side, it makes sense for them to want to control this

and maybe rework these parking lots. It's a road to nowhere; it's not part of a pattern of streets. We really don't have any use for it. There is a sewer easement that we will have to, in the deed, reserve a sewer easement 15 feet wide for the length of the sewer line and if they choose to build over that in the future they'll have to get with the Sanitary Board about relocating the line.

RECOMMENDATION AND FINDINGS:

Staff recommends **approval** for the following reasons:

1. The right of way is a dead end which is no longer serves as a part of pattern of streets and will not negatively impact traffic flow;
2. The property will be transferred from one public entity to another; and
3. This City will no longer have to maintain the road or be subject to liability.

MS. HOOVER: Anybody have any questions?

MR. JENKINS: Was this initiated by the State, reaching out wanting this road?

MR. VRIENDT: That's my understanding. They've been working with Kevin Baker, the City Attorney.

MR. JENKINS: The only reason I mention that is 70th Street SE, we should maybe initiate and give it to the State, so we don't have to worry about it anymore. It just accesses the State Treasurer's building that they own.

MR. VRIENDT: That's a good point.

MS. HOOVER: Any other questions?

Motion and Vote: On motion of Chad Robinson, seconded by Becky Ceperley, the Committee voted 5 to 0 to recommend approval of Bill No. 7814.

Discussion

- Crosswalks by hotels and the Coliseum and Convention Center
- Medical Cannabis

Miscellaneous

Approval of the Minutes of the March 25, 2019 meeting: On motion of Becky Ceperley, seconded by Chad Robinson, the Committee voted 5 to 0 to approve the Minutes.

Adjournment.